

### **REMARKS**

As noted above, the present application is a Continuation of U.S. Application Serial No. 09/399,203, filed September 17, 1999, the specification of which is incorporated herein in full by reference.

During prosecution of the parent application, an office action dated February 27, 2003 (the "office action"), rejected original independent claim 1 and dependent claims 2, 5 and 6 as being anticipated by Miyakawa (U.S. Patent No. 4,974,098). In the last office action of the parent case the Examiner objected to original claims 3, 4, 8-11 indicating that they contained subject matter that would be allowable if combined with the elements and limitations of their respective base independent claims and any intervening claims.

In the interest of furthering the prosecution of the parent case the Applicant placed the objected to subject matter into condition for immediate allowance and cancelled those claims which stood rejected in the office action. The present preliminary amendment addresses additional allowable subject matter as supported by the specification of the parent case as originally filed.

In the present continuation, Applicant's independent claim 1 recites "a light monitor window (LMW) and a black region adjacent to the LMW." In the office action, the Examiner referenced Miyakawa as illustrating a "window area" (24 in Fig. 5 of the Miyakawa reference). The Examiner remarked that Miyakawa's "window area" anticipated the Applicant's LMW as recited in claim 1.

The Applicant asserts that the window area in the Miyakawa reference is not equivalent to the Applicant's claimed element of "a light monitor window (LMW)." That is, from the Applicant's review of the Miyakawa reference, the "window area" (24 in Fig. 5 of the Miyakawa reference) appears to describe a transparent glass plate with trimming lines. (See col. 5, line 26). Miyakawa does not describe a LMW with a white surface or "non-transparent" plate adjacent to a black region.

In contrast, Applicant's claimed element of "a light monitor window (LMW)" is clearly defined in the specification as "a tab 52a which has a white surface that can reflect light from a bulb." (See spec. page 7, line 18). As

defined in the Applicant's specification, the Applicant's claimed "light monitor window (LMW)" does not equate to Miyakawa's "transparent glass plate".

Since Miyakawa does not contain each and every element and limitation of Applicant's original independent claim 1, independent claim 1 as presented is allowable over the Miyakawa reference.

Further, Applicant's independent claims 12 and 16, currently amended, recite allowable subject matter. By way of example and not by way of limitation, independent claims 12 and 16 recite "wherein the light and black regions are located on a scan head body positioned within the optical." Similar subject matter was previously indicated as allowable in connection with original dependent claim 3.

As such, Applicant believes that independent claims 12 and 16, as amended, are allowable. Applicant respectfully requests consideration of the same upon consideration of the present continuation.

#### New Claims

Applicant has added new claims 21 and 22. Claims 21 and 22 are added to further illustrate distinguishing features of the present application. Claims 21 and 22 are fully supported by the specification as originally filed, do not introduce any new matter, and are hereby introduced solely for the purpose of exhibiting additional claimable embodiments available for the application as originally filed. Accordingly, Applicant respectfully requests consideration of new claims 21 and 22 upon review of this case.

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**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (360) 212-8052 to facilitate prosecution of this matter.

If necessary, please charge any additional fees or credit overpayment to the Deposit Account No. 08-2025.

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